

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the above amendments and in light of the following discussion, is respectfully requested.

Claims 20-39 are pending. By the present amendment, Claims 20, 25, 26, 35, and 37 are currently amended and new Claims 38 and 39 are added. Support for the present amendment can be found in the original specification, for example, at page 5, lines 3-14, at page 10, line 10 to page 12, line 7, and in Figures 1-9, 11, 12, and 15.

In the outstanding Office Action, Claim 35 was rejected under 35 U.S.C. § 112, second paragraph; Claims 20-25 and 27-37 were rejected under 35 U.S.C. § 102(b) as anticipated by Colan et al. (U.S. Patent No. 5,794,828, hereinafter “Colan”); and Claim 26 was objected to, but indicated as including allowable subject matter.

Initially, Applicants would like to thank Examiner Waggenspack for discussing this application with Applicants’ representative, Colin Harris.

On June 9, 2011, Examiner Waggenspack and Applicants’ representative discussed sections 1 and 2 of the Office Action regarding the priority applications. Applicants’ representative noted that the Notice of Acceptance of Application under 35 U.S.C. § 371 and 37 C.F.R. § 1.495 mailed May 23, 2008, indicated that the priority documents had been received in this application. Examiner Waggenspack searched the record available to him and noted that he could not find such priority documents. However, Examiner Waggenspack stated that he would attempt to communicate with the PCT Office to request another copy of the priority documents. Examiner Waggenspack subsequently telephoned Applicants’ Representative and stated that he had contacted the PCT Office and requested that they provide a copy of the priority documents to the USPTO. Accordingly, before filing additional copies of the priority documents, Applicants will wait to see if the PCT Office provides copies of the priority documents.

On June 27, 2011, Examiner Waggenspack and Applicants' representative discussed the rejections in the outstanding Office Action. Regarding the rejection under 35 U.S.C. § 112, second paragraph, Applicants' representative proposed to remove the term "preferably" from Claim 35 and Examiner Waggenspack indicated that such an amendment would overcome the rejection. Regarding the rejection under 35 U.S.C. § 102(b), Applicants' representative discussed differences between the claimed invention and the cited reference. Examiner Waggenspack explained his interpretation of certain terms and provided helpful suggestions regarding possible amendments. Based on this discussion, the present amendment is hereby submitted for formal consideration.

Applicants acknowledge with appreciation the indication of allowable subject matter in dependent Claim 26. Accordingly, in the present amendment, Claim 26 is amended to be in independent form. Thus, it is respectfully requested that Claim 26 be allowed.

The specification is hereby amended to add appropriate section headings. It is respectfully submitted that no new matter is added.

Turning now to the rejection of Claim 35 under 35 U.S.C. § 112, second paragraph, as discussed above, Claim 35 is amended to no longer recite the term "preferably." Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

Turning now to the rejection under 35 U.S.C. § 102(b), Applicants respectfully request reconsideration of this rejection and traverse this rejection, as discussed below.

Claim 20 is hereby amended to further define the loading frame and the coupling between the loading frame and the first and second arch parts that make up the supporting arch. Specifically, as can be seen in Figures 1 and 4, for example, the loading frame has a U shape that includes two arms and a base extending therebetween. Additionally, the first and

second arch parts, which are labeled as reference characters 12 and 13 in Figure 1, are separately connected to the first arm and the second arm.

For example, in the exemplary embodiment shown in Figure 1, if the right arm of the U-shaped loading frame is taken to be the first arm, then the first arch part 12 is pivotally coupled thereto. Similarly, the second arch part 13 is pivotally coupled to the second arm on the left part of the U-shaped loading frame. As can be seen in Figures 4-9, at least where they are pivotally coupled, the first arch part is coaxial with the first arm and the second arch part is coaxial with the second arm.¹

It is respectfully submitted that the cited reference does not disclose or suggest every feature recited in independent Claim 20.

Colan describes a racking system for transporting a bicycle. The racking system 16 includes a pair of telescoping arms 22 that are each pivotally connected to a transverse member 34 of the framework 20.² Thus, both of the arms 22 are connected to the same transverse member 34. As can be seen in Figure 1, the transverse member is not a loading frame that has a U shape. Additionally, even if other parts of the framework 20 are interpreted to have a U shape, as discussed above, both of the arms 22 are connected to the transverse member, not separate arms extending from a base of the U-shaped frame.

Further, regardless of how the framework 20 is interpreted, the arms 22 of Colan are not coaxial with any part of the framework 20. Instead, as can be seen in Figure 11 of Colan, the arms 22 are connected to the framework 20 by a swivel joint 200. As the arms 22 are not coaxial with the swivel joint 200, which is evidenced by Figure 11 of Colan, the arms are also not coaxial with the framework 20.

¹ See the original specification, for example, at page 10, lines 27-29.

² See Colan, at column 2, lines 50-62 and Figures 1 and 11.

Therefore, it is respectfully submitted that Colan does not disclose or suggest every feature recited in independent Claim 20. Thus, it is respectfully requested that the rejection of Claim 20, and all claims dependent thereon, as anticipated by Colan be withdrawn.

Claim 25 is dependent on Claim 20, and thus is believed to patentably define over Colan for at least the reasons discussed above with respect to Claim 20. Further, Claim 25 recites that “said first arm includes a groove and the first arch part includes a follower mechanism positioned in the groove such that, when said first arch part is pivoted down to the storage position, the follower mechanism interacts with the groove to move the first arm in a direction along the axis of the first arch part and the first arm into the sleeve.”

As discussed above, the arms 22 of Colan are connected to the framework 20 by a swivel joint 200. As shown in Figure 11 of Colan, the arms 22 do not include a follower mechanism that is positioned in a groove of the swivel joint 200 such that, one of the arms is moved in an axial direction into the swivel joint 200 when the arm is pivoted down. Accordingly, Claim 25 is believed to further define over Colan.

Independent Claim 37, while directed to an alternative embodiment, recites features similar to those discussed above with respect to Claim 20. Accordingly, it is also respectfully requested that the rejection of Claim 37 as anticipated by Colan be withdrawn.

New Claims 38 and 39 are added by the present amendment. Support for new Claims 38 and 39 can be found in the original specification, for example, at page 5, lines 3-14, at page 11, line 18 to page 12, line 7, and in Figures 1, 11, 12, and 15. Thus, it is respectfully submitted that no new matter is added.

As Claims 38 and 39 depend on independent Claims 20 and 37, respectively, it is respectfully submitted that Claims 38 and 39 patentably define over Colan for at least the reasons discussed above with respect to Claims 20 and 37. Additionally, it is noted that the new claims recite that “the connecting members are pivotally connected to the loading frame

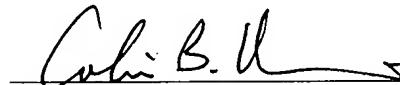
such that the connected members are configured to fold inwards towards a middle of and beneath the loading frame."

As can be seen in Figure 14, the racking system 16 of Colan includes an L-shaped tubular member 56 for insertion into a receiver hitch 58 of the vehicle. As can be understood from the connection shown in Figure 14, the L-shaped tubular member 56 is not the claimed connecting members that are configured to fold inwards towards the middle of and beneath the loading frame. Thus, Applicants respectfully submit that Claims 38 and 39 further patentably define over Colan.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

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